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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,688	04/16/2001	Paul J. Britten	4361-000002	5734

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EXAMINER	
CHENCINSKI, SIEGFRIED E	
ART UNIT	**PAPER NUMBER**
3628	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/835,688	BRITTEN ET AL.	
	Examiner	Art Unit	
	Siegfried E. Chencinski	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 December 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1 - 4 are rejected under 35 U.S.C. 103(a) as being disclosed by Oliver et al. (US PreGrant Publication 2002/0133412 A1) in view of Waters (US PreGrant Publication 2002/0032659 A1), Applicant admitted prior art and well known prior art.

Re. Claim 1, Oliver discloses a method of sharing revenues generated from online sales of information carried on the online information system of participating information provider entities, comprising the steps of:

- an online information service provider host entity which provides online access to user customers and links to other information providers (Abstract – ll. 21-27; [0021] – ll. 4-8, [0037] – ll. 5-16);
- the participating online information service provider entity receiving a share of revenues from sales to registered users who achieve access to participating information service providers through the host information service provider (Abstract – ll. 21-27; [0021] – ll. 4-8, [0037] – ll. 5-16).

Oliver does not explicitly disclose a method of sharing revenues generated from sales of banners that are affixed to truck bodies, comprising the steps of:

- a manufacturer of the truck bodies manufacturing the truck bodies with mounting hardware for the banners;
- the manufacturer receiving a share of revenues from sales by a banner seller of banners to be affixed to truck bodies made by the manufacturer with the mounting hardware for the banners.

However, Applicant admits that advertising on truck bodies was well known prior to applicant's invention, including the related truck body advertising banner hardware fastening technology and the superwide printing technology on industrial fabrics which can withstand the forces to which they become subjected when attached to a truck body while the truck operates on roads and highways. Applicant also admits to knowing of various schemes for marketing such truck body banner advertising. Further, Applicant admits to revenue sharing incentive schemes to already have existed among some of the parties involved in the enabling of truck body advertising (Specification – p. 1, [0002] – [0007]; Fig. 1). Waters discloses an incentive revenue sharing "System and Method for Obtaining and Developing Technology for Market" (Title). The incentive is offered to potential contributors of patentable ideas which are in turn marketed for the generation of license revenue (Abstract). The revenue is shared with the contributors of the sharer(s) ideas which generate the revenue ([0017] – II. 1-9). Consequently, it would have been obvious to an ordinary practitioner of the art at the time of Applicant's invention to have realized that the truck body manufacturer could be offered a share of the media buy/advertising revenue being derived from the sale of advertising on truck bodies manufactured by the truck body manufacturer to which he has added advertising banner fastener systems. He would have realized this from the fact that such sharing was already offered to other parties involved in truck body banner advertising, while also obtaining the idea from the ubiquitous nature of revenue sharing incentive schemes being practiced throughout commerce, as exemplified by the disclosures of Oliver and Waters. Therefore, it would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to have combined the art of Oliver with Applicants' admissions of prior art, with the disclosures of Waters and with well known prior art, for the purpose of offering truck body manufacturers a revenue sharing incentive for providing advertising banner fastening systems, motivated by the opportunity to provide a larger population of truck bodies which have the built-in potential to carry banner advertising in a simple, uncomplicated, inexpensive way by incentivizing the truck body manufacturer to provide a large volume of truck bodies which have the manufacturer's preinstalled

advertising banner fasteners on the truck bodies (Oliver, [002], [0005], [0006], [0007], [0008], [0013], [0014]).

Re. Claim 2, neither Oliver nor Waters explicitly disclose a method further including the step of affixing to the banners mounting hardware that mates with the mounting hardware on the truck bodies made by the manufacturer. However, Applicant discloses the well known practice of affixing to the banners mounting hardware that mates with the mounting hardware on the truck bodies made by the manufacturer (Specification, [0003] – ll. 3-6). Therefore, it would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to have combined the art of Oliver with Applicants' admissions of prior art, with the disclosures of Waters and with well known prior art for the purpose of including the step of affixing to the banners mounting hardware that mates with the mounting hardware on the truck bodies made by the manufacturer motivated by the opportunity to provide a larger population of truck bodies which have the built-in potential to carry banner advertising in a simple, uncomplicated, inexpensive way by incentivizing the truck body manufacturer to provide a large volume of truck bodies which have the manufacturer's preinstalled advertising banner fasteners on the truck bodies (Oliver, [002], [0005], [0006], [0007], [0008], [0013], [0014]).

Re. Claim 3, Oliver in combination with Applicants' admissions of prior art, the disclosures of Waters and the well known prior art disclose a method of sharing revenues generated from printing banners that are affixed to truck bodies, comprising the steps of a manufacturer of truck bodies manufacturing the truck bodies with mounting hardware for the banners; and a printer printing the banners (see the rejection rationale of claim 1). Neither Oliver nor Applicants' admissions of prior art, Waters and well known prior art explicitly disclose a printer sharing with the manufacturer (of truck bodies) a portion of the revenues the printer receives for printing the (truck body advertising) banners. However, per the rationale presented in the rejection of claim 1, especially Applicant's admission of revenue sharing already having been practiced among some of the parties involved with the facilitation of truck body advertising, it would have been obvious to an ordinary practitioner of the art at

the time of applicant's invention to have combined the art of Oliver with Applicants' admissions of prior art, with the disclosures of Waters and with well known prior art, for the purpose of a printer sharing with the manufacturer (of truck bodies) a portion of the revenues the printer receives for printing the (truck body advertising) banners, motivated by the opportunity to provide a larger population of truck bodies which have the built-in potential to carry banner advertising in a simple, uncomplicated, inexpensive way by incentivizing the truck body manufacturer to provide a large volume of truck bodies which have the manufacturer's preinstalled advertising banner fasteners on the truck bodies (Oliver, [002], [0005], [0006], [0007], [0008], [0013], [0014]).

Re. Claim 4, neither Oliver nor Waters nor well known prior art explicitly disclose the step of affixing to the banners mounting hardware that mates with the mounting hardware on the truck bodies. However, Applicants' admissions of prior art inherently disclose the step of affixing to the banners mounting hardware that mates with the mounting hardware on the truck bodies (Specification, [0004]). Therefore, it would have been obvious to an ordinary practitioner of the art at the time of applicant's invention to have combined the art of Oliver with Applicants' admissions of prior art, with the disclosures of Waters and with well known prior art, to include the step of affixing to the banners mounting hardware that mates with the mounting hardware on the truck bodies, motivated by the opportunity to provide a larger population of truck bodies which have the built-in potential to carry banner advertising in a simple, uncomplicated, inexpensive way by incentivizing the truck body manufacturer to provide a large volume of truck bodies which have the manufacturer's preinstalled advertising banner fasteners on the truck bodies (Oliver, [002], [0005], [0006], [0007], [0008], [0013], [0014]).

Response to Arguments

4. Applicant's arguments filed December 21, 2005 have been fully considered but they are not persuasive.

ARGUMENT: None of the prior art (relied upon in the rejections of independent claims 1 and 3) discloses or suggests, alone or in combination, the limitations of claims 1 and 3 (Page 7, ll. 2-3). Applicant supports this assertion by giving broad overviews of what Applicant views as the subject matter of the references of Oliver and Waters, and of the Applicant Admitted Prior Art (AAPA), and then making a summary statement describing an aspect of Applicant's invention, namely that "..., the truck body manufacturer is not involved in the underlying advertising transaction. Not only does it typically occur well after the truck body manufacturer has sold the truck body, but it is the truck body owner that is a party to the advertising transaction, not the truck body manufacturer" (page 6, l. 21 – page 7, l. 1).

RESPONSE:

Claim 1, a method claim, has two limitations:

- (a) a manufacturer of the truck bodies manufacturing the truck bodies with mounting hardware for the banners;
- the manufacturer receiving a share of revenues from sales by a banner seller of banners to be affixed to truck bodies made by the manufacturer with the mounting hardware for the banners.

Claim 3, also a method claim, also has two limitations:

- (a) a manufacturer of truck bodies manufacturing the truck bodies with mounting hardware for the banners;
- (b) a printer printing the banners and sharing with the manufacturer a portion of the revenues the printer receives for printing the banners.

The issue at hand concerns the limitations claimed in claims 1 and 3.

Regarding claim 1, limitation (b) has the manufacturer of truck bodies incentivized to help the banner seller sell banners to be attached to the truck bodies. This creates a motivation for the truck body manufacturer to help the banner seller in undefined ways to sell as many banners as possible.

Regarding claim 3, limitation (b) has the manufacturer of truck bodies incentivized to help the banner printer to sell as many printed banners as possible for attachment to

the truck bodies made by the truck body manufacturer. This creates a motivation for the truck body manufacturer to help the banner printer in undefined ways to sell as many printed banners as possible.

Therefore, the truck body manufacturer is incentivized to help promote both the printing and selling of as many banners as possible in order to maximize his share of the revenue not only from banner printings and banner sales, but also from the presumed additional revenue he can earn from the potential extra charges for having truck bodies be equipped with the banner attachment hardware, and the even greater revenue and profit potential increase in selling a greater volume of truck bodies which may occur because truck body buyers may see the attachable banners as an extra added potential source of revenue for themselves for selling the advertising space on their truck bodies which they own and operate. In sum, this motivates and ties in the truck body manufacturer to the entire marketing, advertising and sales equation at work because the truck body manufacturer has a profit interest in the volume of advertising which can be sold for display on truck bodies manufactured by the truck body manufacturer because he is linked to the entire commercial motivation chain through a revenue share of banner and banner printing sales. This role for the truck body manufacturer is a well known one which is illustrated by the prior art obviousness combination references cited in the rejections. The additional details of the logic of the rejections is presented in the above rejections of claims 1 and 3.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is (571)272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Hyung S. Sough, can be reached on (571) 272-6799.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington D.C. 20231

or (571)*273-8300* [Official communications; including After Final communications labeled "Box AF"]

(571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the address found on the above USPTO web site in Alexandria, VA.

SEC

March 6, 2006

FRANTZY POINVIL
PRIMARY EXAMINER